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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/689,977 | 10/13/2000 | Gary S. Beideman | | 8299 |

7590 11/21/2001

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EXAMINER

NGUYEN, PHUONGCHI T

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2833

DATE MAILED: 11/21/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--------------------------------|--------------------------------|-----------------------------------|--|
| - Office Action Summary | Application No. 09/689,977 | Applicant(s) BEIDEMAN, GARY S. | |
| | Examiner Phuongchi T Nguyen | Art Unit 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 19) <input type="checkbox"/> Other: |

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DETAILED ACTION

1. Acknowledgement of Applicant 's amendment filed on September 04, 2001. It is noted that claims 1, 2 are canceled; claims 3, 4 are amended; New claim 5 is added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US5424895) in view of Larkin (US5924888).

In regards to claim 5, Gaston discloses an enhanced safety device combination comprises a cordset (31, 32, 33) connected to an apparatus or appliance (43), the cordset (31, 32, 33, 38) having a set of wires including at least a neutral wire (32) and a positive wire (31), a cordset plug (49) connected to the wires (31, 32, 33, 38), the plug (49) connected in series with the one of the wires or blades (31, 32, 33), the wires (31, 32, 33, 38) are connected to switch means (54) to the apparatus or appliance (43), and a thermal cut-off device (51) (see Abstract lines 11-13) inside the apparatus or appliance (43) in series with one of second wires (38) and the apparatus or appliance (43) to sense the temperature of the apparatus or appliance to cut off the circuit to protect the apparatus or appliance from damage in the event of a temperature rise (see figures 4-6, Abstract lines 11-13). However, Gaston lacks a non-replaceable fuse in the plug. ~~However,~~ Larkin teaches a non-replaceable fuse in the plug (see Column 8, line 3-4, 19). Therefore, it would have been obvious to one ordinary skill at the time the invention was made to modify the

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plug of Gaston by having a non replaceable fuse in the plug as taught by Larkin in order to reduce manufacture cost of the plug because the plug using replaceable fuse presents a complex structure to manufacture.

In regards to claim 3, in addition to claim 5, the fuse can be in series with the positive wire.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaston (US5424895) in view of Larkin (US5924888) as claim 5 above, and further in view of Deng (US5876250) and Lu (US5249986).

Gaston lacks a plug cover and a cap. However, Deng teaches a plug cover (20) open at one side, a cap (22) to close off the open side, at least two spades (13) extending from the plug carried in the cover (20), and an outer layer (10) of plastic encapsulating the cover (20) and the cap (22) (see figures 1, 2); and Lu teaches a cap (70) snaps into the cover (20). It would have been obvious to one ordinary skill at the time the invention was made to modify the plug of Gaston by using a non replaceable fuse 's structure as taught by Larkin to prevent an access to the fuse; and by showing a plug cover and a cap as taught by Deng with a hook (73) to snap the cap into the cover as taught by Lu for having a container to hold the fuse and conductive blades with a snap to prevent an access to the fuse.

Response to Arguments

6. Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchi T Nguyen whose telephone number is (703) 305-0729. The examiner can normally be reached on Monday through Thursday from 8:00AM to 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7723 for regular communications and (703) 305-7723 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-7722.

November 12, 2001

A handwritten signature in black ink, appearing to read "Phuongchi T Nguyen", is written over the date.